IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2877 OF 2003
IN
SUIT NO.3539 OF 1998

Janahvi Investments Pvt.Ltd. ....Plaintiff
V/s.
State Bank of India & Anr. ....Defendants

Mr.B. Saraf with Mr.Amol Barer i/b Udwadia,Udeshi, desai Berjis & Chinoy for the Plaintiff.
Mr.Ashok Tripathi i/b V.B. Tiwari & Co. for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 2ND DECEMBER, 2005.

P.C. :

1. By this Notice of Motion, the Plaintiff has sought a decree on admission in so far as the claim in the suit relates to 4650 shares.

2. The Plaintiff's case is that it purchased the suit shares of Defendant No.1. Defendant No.2 is the transfer agent. It appears that the shares could not be registered as a result of the transfer forms not being served on the Defendants. In the affidavit in reply, the Defendants have stated that they addressed the letters to each of the shareholders. Objections were received only from 350 shareholders.

3. However, regarding the balance shares, the Defendants have only stated that so far no claims have been received. To pass a decree on admission would affect the rights of the Defendants and obviously all other parties. It would have been a different matter, had the Plaintiff received the response from the remaining shareholders stating that they had no objection to the transfer.

4. In the circumstances, the Notice of Motion is dismissed.